



McCleary City Council

PROPOSED AGENDA

Wednesday, June 23rd 2010

7:00 Council Meeting

Flag Salute
Roll Call
Minutes
Public Comment
Mayor's Report

Staff Reports:

Dan Glenn, City Attorney
Nicholas Bird, Public Works Director

Ordinances:

Old Business:

New Business: Draft 2010 Budget
 Introduction of Supplemental Ordinance
 Utility Billing Owner-Tenant Billing Change

Resolutions:

Vouchers
Mayor/Council Comments
Public Comment
Executive Session
Adjournment

Americans with Disabilities Act (ADA)
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

CITY OF MCCLEARY
Regular City Council Meeting
Wednesday, June 9, 2010

FLAG SALUTE	The meeting was called to order at 7:00 PM with the Flag Salute.
ROLL CALL	Mayor Dent, Councilmember's Boling, Ator, Lant, Schiller, and Geer.
ABSENT	None.
STAFF PRESENT	Public Works Director Nick Bird, City Attorney Dan Glenn, City Clerk/Treasurer Wendy Collins, Police Chief Crumb, Public Facilities Manager Todd Baun, and staff members Jennie Reed and Sergeant John Graham.
MINUTES APPROVED	Motion made by Councilmember Boling and seconded by Councilmember Geer to approve the minutes. Motion Carried.
PUBLIC COMMENT	Helen Lake asked if things are getting better with the utility billing issues and the Mayor assured her they are slowly progressing and staff is working hard to get caught up to where we were prior to the dismissal of the previous utility billing manager.
MAYOR'S REPORT	<p>The Mayor and Jennie Reed both commented on how friendly the office staff has been and how well they handle the public. Helen Lake added she has heard positive comments regarding the treatment of the public by the city office staff.</p> <p>The Mayor is continuing to work on the new replacement budget and he is hoping to bring it to the council in the near future. The Finance Committee will be meeting on Friday to go over what has been done to date on the new budget.</p>
PUBLIC WORKS DIRECTOR'S REPORT	Vicki Gerth, Wendy Collins and Nick Bird recently met with representatives from the BPA regarding billing and conservation credits. It was a great learning experience and we now have a better understanding of our relationship with BPA.
RESOLUTION NO. 617	The Police Department had an opportunity to acquire new weapons, which will replace weapons that are eight-years old and will be at no cost to the city because we will be using money from a sold seized vehicle. A Resolution relating to equipment; authorizing the exchange of certain items for purposes of public safety; and authorizing further action. It was moved by Councilmember Lant, seconded by Councilmember Boling to adopt Resolution No. 617. Motion carried.
RESOLUTION NO. 616	A Resolution adopting a six-year street plan for the City of McCleary. It was moved by Councilmember Boling, seconded by Councilmember Schiller to approve the updated Six-Year Street Plan for the City of McCleary. Motion carried.
SIMPSON SIDEWALK PROJECT ESTIMATE #3	It was moved by Councilmember Boling, seconded by Councilmember Ator to authorize the Mayor to pay Progress Estimate #3, when reimbursement has been provided by WSDOT and/or TIB. The amount to be paid is \$34,797.92 and the amount to be deposited in the Retainage Account is \$1,831.47. Motion carried.
CITY ENGINEERING SERVICES	It was moved by Councilmember Boling, seconded by Councilmember Lant to authorize the Mayor to execute Addendum #2 of the City Engineering Services Contract with Gray & Osborne, Inc. Motion carried.
APPROVAL OF VOUCHERS	It was moved by Councilmember Boling, seconded by Councilmember Ator to approve the vouchers. Motion carried.
MAYOR/COUNCIL COMMENTS	<p>Councilmember Lant stated the Relay for Life event went well and acknowledged all involved.</p> <p>The Council will have one more meeting prior to the Bear Festival.</p> <p>Councilmember Geer wanted to know the progress of the ball field and he was assured by Todd Baun it should be complete by the end of June.</p>
EXECUTIVE SESSION	None.
ADJOURNMENT	At 7:25 pm, It was moved by Councilmember Boling seconded by Councilmember Lant to adjourn the meeting. Motion carried.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL, City of McCleary
FROM: DANIEL O. GLENN, City Attorney
DATE: June 21, 2010
RE: LEGAL ACTIVITIES as of JUNE 23, 2010

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. SUPPLEMENTAL BUDGET ORDINANCE: It is my understanding the Mayor is close to completing his review of the 2010 budget, as adopted. He has previously indicated certain elements of that budget are of concern in light of the assumptions, as to income and expenditure, which were provided to the Mayor and Council prior to its adoption. Operating upon the assumption this will lead to the necessity of the adoption of a supplemental budget ordinance amending the provisions of Ordinance 764, which adopted the budget for 2010, I have prepared a draft ordinance for introduction.

Pursuant to the applicable provisions of RCW 35A.33.090, since this is not one of those specified types of emergency situations which justify immediate action, it must be introduced at least five days before any action is taken in terms of adoption. No formal public notice in terms of seeking public comment is required. Never the less, the logic of the time "lag" between introduction and action, as indicated by the statute, is to insure that time is available for the public to become aware of the consideration. Thus, this ordinance by law may be on for introduction only this evening.

In this case, the time gap will also be useful in terms of allowing all, including staff, to review the draft attachment which is being prepared by the Mayor and Staff. At the time of the drafting of the ordinance, it was unclear to me exactly what is desired in terms of inclusion within the amendatory ordinance's attachment. Thus, the attachment will likely not be

the final draft. However, it can serve as the basis for initial review and introduction. Any modification would lead to the amendment, prior to adoption, of the attachment.

2. STATUTORY CHANGES IN UTILITY COLLECTION AUTHORITY:

Well, the Legislature in its wisdom adopted ESB 6261 and the Governor, in her discretion, signed it. While it puts new requirements upon both the City, as the utility provider, and a landlord, Ms. Collins and her staff will be worrying only about the former elements. Since McCleary, unlike the other three cities which I have the opportunity to represent, has an electrical utility, it has greater impacts upon us than the others since it puts in place new notification requirements as to terminations of electrical accounts in the name of a tenant. For your easy reference, I am attaching a copy of the summary sent out by AWC. Some of you may have already received this summary directly from AWC. (If you are not signed up to receive the AWC communications, I would recommend that you do so. Their material is very helpful in giving elected officials such as yourselves the proverbial "heads up" on issues, including budgetary matters.)

Basically the act requires us to do the following.

A. If it is a multiple tenant facility, give notice to the tenants no less than seven days prior to disconnecting the utility service if the landlord has not paid it.

B. Now, what may be the difficult part is it indicates, if the City has information about the presence of the multiple tenants, the City must allow the tenant to pay for the future service, but may not require payment upon the past due balance. Of course, the question which will arise is how will the City handle the situation if there are multiple tenants, only one meter, and only a portion of the tenants make the request or are willing to so commit. We are going to have to work through this aspect.

C. Aimed directly at utility providers such as McCleary, subsections (1) & (2) of Section I will restrict the City's ability to collect delinquent residential electrical bills from the landlord if we do not follow its mandates.

As part of my research on the matter, I went on the Legislature's website and obtained a copy of the bill, as adopted and signed. It is attached for your review. As usual, the bracketed and stricken through material is being deleted and the underlined material added. (Looks familiar, right?) Obviously, given the additional mandates it appeared to me that this is likely to have some fiscal impact upon the City. Thus, I sought

out a copy of the fiscal note which is required to be prepared for each bill having such an impact. For your information and with a certain sense of irony, I am attaching the fiscal note prepared in relation to this bill. You will note that it is hardly very precise as to its impacts upon the cities.

3. PENDING MATTERS:

A. Ball Field Utilization/Museum Building: In the last Council Report, I mentioned two areas for you to consider reviewing. One was to clarify the utilization of the City's ball parks by the various leagues. The other was to review the matter of the ownership of the Museum Building. I would recommend that you consider these matters at your convenience, even if the decision is to take no action.

B. Bear Festival: The event is coming up. Historically, the event has involved a written agreement articulating clearly the allowed uses, requirements and the responsibilities of the parties. Since I was unaware of any proposals being provided to the Mayor and Council as to the Festival's desired utilization of municipal properties, I contacted Ms. Collins. She indicated that contact has been ongoing with City staff. I would recommend that the Festival's proposals be submitted to the Council with Staff's recommendations and that after review, the Mayor be authorized to execute an appropriate contract incorporating these details and the conditions you articulate. Happily, I do not remember any claims against the City ever coming out of this event, but each year is different and each event has different areas of potential exposure. (Yes, we lawyers always worry about the worst of situation. That is likely why I rooted for Darth Vader and not Luke Skywalker in *Star Wars*.)

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 6261 SB	Title: Utility services collections
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Part I: Jurisdiction

Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Cities and towns with their own water, electric or power or other utility
- Counties:
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Modifications to software and procedures to implement maximum limits on collections
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of tenant-occupied structures with past-due utility service charges

Estimated revenue impacts to:

Indeterminate Impact

Estimated expenditure impacts to:

Jurisdiction	FY 2010	FY 2011	2009-11	2011-13	2013-15
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					0

Part III: Preparation and Approval

Fiscal Note Analyst: Anne Pflug	Phone: 509-925-2608	Date: 02/25/2010
Leg. Committee Contact: Becca Kenna-Shenk	Phone: 360-786-7291	Date: 02/22/2010
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/25/2010
OFM Review: Mike Steenhout	Phone: 360-902-0554	Date: 02/25/2010

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 1 -- After August 1, 2010 if a city or town fails to notify the owner of a tenant's utility services charge delinquency after receiving a written request to do so and after receiving the other information required by this subsection, the city or town shall have no lien against the premises and is prohibited from collecting the tenants delinquent and unpaid charges from the owner or the owner's designee.

Section 2 -- Cities or towns with water, electric or power utilities may have a lien against a premise furnished services for four months without receiving payment. The lien is for no more than four months service if the real property owner or their designee requested notification in writing of the tenants delinquency. The city or town shall notify the owner or the owner's designee at the same time as the tenant of the delinquency. The city or town may not collect from the owner or the owner's designee more than four months delinquency.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This bill would have no impact on city or town expenditures. The notice requirements to rental property owners in Section 1 are not changed.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This bill would have an indeterminate negative (revenue loss) impact on city and town utility operating revenue. The bill limits the amount of past-due utility service charges cities and towns can collect from owners of rental properties, both residential and commercial. The bill would impact city or town water utilities (approximately 200) and cities or towns with electrical or power utilities (16). It is unclear whether other utilities, such as sewer and solid waste, would also be impacted by the notice requirements in Section 1. To the extent that rate studies have included collections from rental properties of past-due accounts beyond four months of service, customer utility rates may be increased. Impacts would be greatest in communities with a high proportion of residential and commercial rentals.

SOURCES CONSULTED

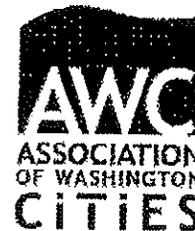
Association of Washington Cities

Municipal Research and Services Center

Department of Community, Trade and Economic Development, Meeting the Growth Management Challenge in Growing Communities, 2008, Appendix D

J u n e 2 0 1 0

New Utility Service Collections Rules



Background

On March 19, 2010, Governor Gregoire signed into law **ESB 6261**, which addresses utility services collections against residential rental properties. Some provisions apply only to city electric utilities; others apply to all utilities. The law took effect on June 10, 2010, with one exception noted below. In general, the law amends RCW 35.21.217 by placing new requirements on landlords and city utilities while providing tenants with a new recourse against landlords who agree to pay utility bills but do not.

New requirements for power, light, and water utilities

In certain circumstances, a city utility is now required to make a good faith and reasonable effort to provide written notice to a residential service address at least seven days prior to disconnecting power, light, or water service. This applies when:

- A multiple residential rental unit receives service through a single utility account;
- The billing address for a residential rental property is not the same as the service address; or
- The city has been notified a tenant resides at the service address.

In case of non-payment by the owner and if requested by the affected tenant, the city must provide service to the affected tenant on the same terms as other residential customers in the city without requiring the tenant to pay delinquent amounts from the owner or previous renter, unless otherwise allowed by law and only when the city offers a reasonable payment plan.

Some utilities are interpreting this to mean that a local ordinance could allow a city to require a tenant to make reasonable payments toward an owner's delinquent bill in order to continue service, but only if that current tenant used the service for which the owner is delinquent. A new tenant may not be required to pay delinquent bills from a prior tenant's usage.

Allowing a tenant to continue service following an owner's delinquency does not impact the city's right to collect delinquent charges from the owner or previous tenant.

New requirements for electric utilities

If a property owner notifies the city in writing that the property served is a residential rental property, asks to be notified of a tenant's delinquency, and provides an accurate mailing address, the city must notify the owner at the same time and in the same manner as the tenant is notified or by mail. After August 1, 2010, if the city fails to notify the owner of a tenant's delinquency after being requested to do so, the city is prohibited from collecting any unpaid charges for electric light or power services from the owner and loses its statutory lien rights under RCW 35.21.290.

New requirements for rental property owners

If an electric utility account is in a residential tenant's name, the owner must notify the city within 14 days of a tenant's move out and termination of the lease. If the owner fails to do so, the city is not limited to collecting only four months of a tenant's delinquent charges from the owner, provided that the city has complied with the notice requirements discussed above.

New protections for tenants

If a tenant requests service following an owner's delinquency, that tenant is allowed to deduct reasonable utility charges paid by the tenant from the rent. The landlord cannot retaliate against the tenant for any deductions.

continued

What you need to do to protect your ability to collect delinquent utility bills

1. Be sure to notify owners when a tenant becomes delinquent at the same time and in the same manner you notify the tenant or by mail. This is particularly important for electric utilities. Consider notifying tenants as soon as the owner becomes delinquent, especially if the owner's delinquency notice indicates a possible service disconnection.
2. Before terminating utility service to a residential rental property where the account is not in the tenant's name, you must make a reasonable attempt to notify the tenants in writing at least seven days prior to the termination. Consider notifying tenants by mail, by leaving door hangers, or by posting notice at the premises.
3. If an owner is delinquent and the affected tenants request continued service, offer the tenants the opportunity to obtain service on the same terms and conditions as other residential utility customers. The tenants cannot be required to pay delinquent balances billed to the owner or a previous tenant unless otherwise provided by law. If the law permits payment of these balances, offer the tenants a reasonable payment plan.
4. Do not allow a residential rental property to become more than four months delinquent in electric utility bills or you may jeopardize your ability to collect the delinquent bills.



1076 Franklin St SE
Olympia, WA 98501
www.awcnet.org

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6261

Chapter 135, Laws of 2010

61st Legislature
2010 Regular Session

UTILITY SERVICES COLLECTIONS--RESIDENTIAL RENTAL PROPERTY

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 7, 2010
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2010
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 19, 2010, 2:01 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 19, 2010

Secretary of State
State of Washington

ENGROSSED SENATE BILL 6261

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session**By** Senators Marr, Schoesler, Berkey, Zarelli, and Hobbs

Read first time 01/11/10. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to utility services collections against rental
2 property; and amending RCW 35.21.217 and 35.21.290.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 35.21.217 and 1998 c 285 s 1 are each amended to read
5 as follows:

6 (1) Prior to furnishing utility services, a city or town may
7 require a deposit to guarantee payment for services. However, failure
8 to require a deposit does not affect the validity of any lien
9 authorized by RCW 35.21.290 or 35.67.200. A city or town may determine
10 how to apply partial payments on past due accounts.

11 (2) A city or town may provide a real property owner or the owner's
12 designee with duplicates of tenant utility service bills, or may notify
13 an owner or the owner's designee that a tenant's utility account is
14 delinquent. However, if an owner or the owner's designee notifies the
15 city or town in writing that a property served by the city or town is
16 a residential rental property, asks to be notified of a tenant's
17 delinquency, and has provided, in writing, a complete and accurate
18 mailing address, the city or town shall notify the owner or the owner's
19 designee of a residential tenant's delinquency at the same time and in

1 the same manner the city or town notifies the tenant of the tenant's
2 delinquency or by mail, and the city or town is prohibited from
3 collecting from the owner or the owner's designee any charges for
4 electric light or power services more than four months past due. When
5 a city or town provides a real property owner or the owner's designee
6 with duplicates of residential tenant utility service bills or notice
7 that a tenant's utility account is delinquent, the city or town shall
8 notify the tenant that it is providing the duplicate bills or
9 delinquency notice to the owner or the owner's designee.

10 (3) After (~~January 1, 1999~~) August 1, 2010, if a city or town
11 fails to notify the owner of a tenant's delinquency after receiving a
12 written request to do so and after receiving the other information
13 required by this subsection, the city or town shall have no lien
14 against the premises for the residential tenant's delinquent and unpaid
15 charges and is prohibited from collecting the tenant's delinquent and
16 unpaid charges for electric light or power services from the owner or
17 the owner's designee.

18 (4) When a utility account is in a tenant's name, the owner or the
19 owner's designee shall notify the city or town in writing within
20 fourteen days of the termination of the rental agreement and vacation
21 of the premises. If the owner or the owner's designee fails to provide
22 this notice, a city or town providing electric light or power services
23 is not limited to collecting only up to four months of a tenant's
24 delinquent charges from the owner or the owner's designee, provided
25 that the city or town has complied with the notification requirements
26 of subsection (3) of this section.

27 (5)(a) If an occupied multiple residential rental unit receives
28 utility service through a single utility account, if the utility
29 account's billing address is not the same as the service address of a
30 residential rental property, or if the city or town has been notified
31 that a tenant resides at the service address, the city or town shall
32 make a good faith and reasonable effort to provide written notice to
33 the service address of pending disconnection of electric power and
34 light or water service for nonpayment at least seven calendar days
35 prior to disconnection. The purpose of this notice is to provide any
36 affected tenant an opportunity to resolve the delinquency with his or
37 her landlord or to arrange for continued service. If requested, a city
38 or town shall provide electric power and light or water services to an

1 affected tenant on the same terms and conditions as other residential
2 utility customers, without requiring that he or she pay delinquent
3 amounts for services billed directly to the property owner or a
4 previous tenant except as otherwise allowed by law and only where the
5 city or town offers the opportunity for the affected tenant to set up
6 a reasonable payment plan for the delinquent amounts legally due. If
7 a landlord fails to pay for electric power and light or water services,
8 any tenant who requests that the services be placed in his or her name
9 may deduct from the rent due all reasonable charges paid by the tenant
10 to the city or town for such services. A landlord may not take or
11 threaten to take reprisals or retaliatory action as defined in RCW
12 59.18.240 against a tenant who deducts from his or her rent payments
13 made to a city or town as provided in this subsection.

14 (b) Nothing in this subsection (5) affects the validity of any lien
15 authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town
16 that provides electric power and light or water services to a
17 residential tenant in these circumstances shall retain the right to
18 collect from the property owner, previous tenant, or both, any
19 delinquent amounts due for service previously provided to the service
20 address if the city or town has complied with the notification
21 requirements of subsection (3) of this section when applicable.

22 **Sec. 2.** RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to
23 read as follows:

24 Except as provided in RCW 35.21.217(4), cities and towns owning
25 their own waterworks, or electric light or power plants shall have a
26 lien against the premises to which water, electric light, or power
27 services were furnished for four months charges therefor due or to
28 become due, but not for any charges more than four months past due ((↑
29 PROVIDED, That the owner of the premises or the owner of a delinquent
30 mortgage thereon may give written notice to the superintendent or other
31 head of such works or plant to cut off service to such premises
32 accompanied by payment or tender of payment of the then delinquent and
33 unpaid charges for such service against the premises together with the
34 cut off charge, whereupon the city or town shall have no lien against
35 the premises for charges for such service thereafter furnished, nor

1 ~~shall the owner of the premises or the owner of a delinquent mortgage~~
2 ~~thereon be held for the payment thereof)).~~

Passed by the Senate March 7, 2010.

Passed by the House March 4, 2010.

Approved by the Governor March 19, 2010.

Filed in Office of Secretary of State March 19, 2010.

STAFF REPORT

To: Mayor Dent
From: Nick Bird, Director of Public Works
Date: June 21, 2010
Re: Current Non-Agenda Activity

Simpson Avenue Sidewalks

All curb, sidewalks, ramps, driveway approaches, and miscellaneous accesses have now been completed. There are a variety of locations that are out of compliance with the ADA standards (greater than 2% cross slope) that will need to be removed and replaced. It is anticipated that this work will be conducted this week, as we are fast approaching the Bear Festival.

I am currently evaluating the project budget to determine if we can add an additional lift of top soil on the north side prior to seeding. If this is economically feasible, I may bring a Change Order proposal to the Council for approval.

I will also provide an update on the project budget.

For the most part (other than the items that need to be replaced), we are very close to completing this project. We have trimming and cleanup to do throughout the project, permanent signing, seeding, and striping as the "major" items to complete.

Mark Reed Request

Mark Reed still intends to mount fiber optics on our utility poles. Once the proposal is received from Mr. King, Mr. Glenn and I will review the proposal for accuracy and completeness before presenting it to the Council for approval.

Developments

I have been in touch with the bonding company representing Mr. Hanson for Summit Place II. My next step is to prepare an estimate for small works construction to repair the deficiencies presented to Mr. Hanson in February. The bonding company was very helpful and willing to move forward with the small claims that we have. Again, I will provide more information as it comes in.

Consumer Confidence Report

We haven't mailed out the CCR yet, but it will be included with the billing statement this month!

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET
FOR THE CALENDAR YEAR 2010 AND AMENDING
ORDINANCE 764 AS TO PARTICULAR ELEMENTS.**

R E C I T A L S:

1. Since the adoption of Ordinance 764 as the budget for 2010, the Mayor has undertaken an extensive review of the fiscal assumptions and actions set forth in the budget.

2. As a result of that review, certain fiscal matters in relation to the various areas of the budget, as adopted, have raised concern as to the viability of the assumptions upon which the budget was recommended by Staff to the then serving Mayor and Council.

3. As a result of those concerns, during the course of his review of the total adopted budget, the Mayor has been providing interim reports to the Finance Committee, the Council as a body, and the Public as to the likely necessity of undertaking an extensive revision of the budget.

4. It is the conclusion of the Council and Mayor that, in order to continuing governmental operations with a reasonable degree of fiscal responsibility, a duty which is owed to the Citizens and the City's employees, certain funds require modification.

ORDINANCE -A- 1
6/21/2010
DG/16

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

5. These issues do not appear to have been fully considered at the time of the adoption of the ordinance being amended by this action. To decrease the chance that some aspect of the initial review may merit further modification, this ordinance was initially introduced at the regular council meeting of June 23, 2010, so as to allow the opportunity for public comment and further review by the Council, Mayor, and staff prior to its adoption.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Those elements of the budget adopted pursuant to Ordinance 764 which are shown upon Attachment #1, attached hereto and incorporated by this reference, are amended as provided thereon, showing a total balanced budget in the amount set forth below.

Total Budget (Revenue & Expenditure) \$2, _____

SECTION II: The Office of the Clerk-treasurer shall be authorized to modify the referenced funds and accounts as may be required and authorized pursuant to the BARS accounting system issued by the Office of the State Auditor to correctly reflect revenues and expenditures.

SECTION III: To the extent not amended by Section I, the budget adopted pursuant to Ordinance 764 is reaffirmed.

SECTION IV: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be

ORDINANCE -A- 2
6/21/2010
DG/le

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

PASSED THIS ____ DAY OF _____, 2010, by the City Council of the City of McCleary, and signed in approval therewith this _____ day of _____, 2010.

CITY OF McCLEARY:

D. GARY DENT, Mayor

ATTEST:

WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

DANIEL O. GLENN, City Attorney

ORDINANCE -A- 3
6/21/2010
DG/ls

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

STATE OF WASHINGTON)
 : ss.
GRAYS HARBOR COUNTY)

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of McCleary.

WENDY COLLINS

SIGNED AND SWORN to before me this _____ day of _____, 2009, by WENDY COLLINS.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires:

ORDINANCE -A- 4
6/21/2010
DG/la

CITY OF McCLEARY
100 SOUTH 3RD STREET
McCLEARY, WASHINGTON 98557

STAFF REPORT

To: Mayor Dent
From: Wendy Collins, Clerk-Treasurer
Date: June 23, 2010
Re: Utility Billing Owner-Tenant Billing Change

The city staff recently reviewed the utility billing accounts for tenants and located an area in the software specifically designed for owner information to be added to the tenant account including an option to send a duplicate bill to the owner in the event a tenant is late on their bill. This will provide notification to the owner, which gives them the opportunity to contact the tenant in regards to a late bill before it becomes multiple months past due causing the owner to be responsible for hundreds of dollars if the tenant moves out unexpectedly.

Action Requested:

Staff is requesting Council to authorize the Mayor to approve city staff to begin adding property owner information to tenant accounts to create a secondary billing for delinquent tenant accounts.